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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,130	12/12/2003	C. Pat James	190250-1810	1894
38823	7590	09/07/2005	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			CHARIOUI, MOHAMED	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,130

Applicant(s)

JAMES, C. PAT

Examiner

Mohamed Charioui

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12, 14-24 and 26-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 7, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 2-5, 8-12, 14-17, 20-24 and 26-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The indicated allowability of claims 10-12, 22-24 and 34-36 is withdrawn in view of the newly discovered reference(s) to Schick et al. (U.S. 2004/0102872). Rejections based on the newly cited reference(s) follow.
2. Applicant cancelled claims 1, 13 and 25.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 2-5, 8-10, 14-17, 20-22, 26-29 and 30-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Staphanos et al. (U.S. 2002/0134083) in view of Melamed et al. (U.S. 2004/0107415) and Schick et al. (U.S. 2004/0102872).

As per claims 10, 22 and 34, Staphanos et al. teach monitoring logic operable monitor at least one AC output signal associated with an AC plant (see paragraph [0047]);

Staphanos et al. do not explicitly teach a web server logic coupled to the monitoring logic and to a network, the web server logic.

Melamed et al. teach this feature (see paragraphs [0046]; [0048]; and [0054]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Melamed et al.'s teaching into Staphanos et al. invention because the at least one AC output signal would be retrieved. Therefore, the user would

be able to remotely monitor and analyze the AC output signal to determine the operation conditions of the plant and take the necessary actions to prevent the plant's failure.

Staphanos et al. in view of Melamed et al. teach the system as stated above except that the web server is operable to receive an input from the user and instruct a commercial power plant failure to be simulated at a house service panel responsive to the input from the user.

Schick et al. teach this feature (see paragraphs [0026]; [0027]; and [0033]-[0035]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Schick et al.'s teaching into Staphanos et al. in view of Melamed et al. teaching because it would simulate the commercial power failure. Therefore, necessary actions would be taken to assure proper function of the plant.

As per claims 2-5, 14-17 and 26-29, Staphanos et al. further teach that the monitoring logic is further operable to monitor at least one fuel signal associated with a fuel monitor coupled to the AC plant (see paragraph [0047]).

As per claims 8, 9, 20, 21, 32 and 33, Staphanos et al. further teach that the user accesses the information using a remote computer with a browser client via the network (see paragraph [0046]).

4. **Claims 11, 12, 23, 24, 35 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Staphanos et al. in view of Melamed et al. and Schick et al. and further in view of Gregg et al. (U.S. 4,977,529).

Staphanos et al. in view of Melamed et al. and Schick et al. teach the system as stated above. Staphanos et al. further teach switching power source to a backup power source (see paragraph [0006]).

Staphanos et al. in view of Melamed et al. and Schick et al. do not teach turning on and off the AC plant.

Gregg et al. teach this feature (see col. 96, lines 20-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Gregg et al.'s teaching into Staphanos et al. in view of Melamed et al. and Schick et al.'s teaching because it to control turning off of the AC power plant. Therefore, necessary action would be taken to fix the cause of the power failure and assure the AC power plant proper functioning.

Allowable Subject Matter

5. **Claims 6, 7, 18 and 19** are allowed.

The following is a statement of reasons for the indication of allowable subject matter: none of the prior art of record teaches or suggests that the storage logic being operable to store at least one AC boundary point associated with the AC plant, at least one fuel boundary point associated with the fuel monitor, and at least one DC boundary point associated with the DC plant, wherein each of the at least one AC, fuel, and DC boundary points are provided to the user via the web server, in combination with the rest of the claim limitations.

Response to Arguments

6. Applicant's arguments with respect to claims 2-12, 13-24 and 26-36 have been considered but are moot in view of the new ground(s) of rejection.

Contact information

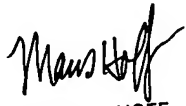
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charioui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday, from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohamed Charioui

8/24/05


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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